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To: Assistant Commissioner for Patents	From: Estella Pineiro Patent Administrator 818/493-2251
Attention: Examiner M. Bockelman Art Unit: 3762 TECHNOLOGY CENTER 3700	ST. JUDE MEDICAL CRMD 15900 Valley View Court Sylmar, California 91392-9221
Telecopier: 703/872-9306	Telecopier: 818/362-4795
RE: Letter and Supplemental Terminal Disclaimer... Applic. No. 10/071,282 Filed: 02/07/2002 Docket No. A02P1013US01	Number of pages being sent: <u>3</u> (including cover page)

PLEASE DELIVER TO EXAMINER BOCKELMAN, ART UNIT 3762. THANK YOU.

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PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE


Applicant:	Mark W. Kroll et al.	Examiner:	M. Bockelman
Serial No.:	10/071,282	Art Unit:	3762
Filed:	02/07/2002		
Docket No.:	A02P1013US01		
For:	SYSTEM AND METHOD FOR EVALUATING RISK OF MORTALITY DUE TO CONGESTIVE HEART FAILURE USING PHYSIOLOGIC SENSORS		

LETTER

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on:

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May 12, 2005


Estella Pineiro Date 5/12/05

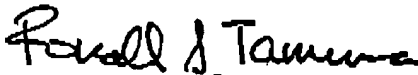
Dear Sir:

Ronald S. Tamura thanks Examiner Bockelman for the courtesy extended during the telephone interview on May 12, 2005. The interview was directed to an improper Terminal Disclaimer filed on April 27, 2005. In response thereto, enclosed herewith is a Supplemental Terminal Disclaimer which does not reference claims 1-9 of U.S. Patent No. 6,645,153.

Respectfully submitted,

5/12/05

Date



Ronald S. Tamura, Reg. No. 43,179
Patent Attorney for Applicants
818-493-3157

Enclosure: Supplemental Terminal Disclaimer...

CUSTOMER NUMBER: 36802

Serial No. 10/071,282

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Docket No. A02P1013US01

MAY 12 2005

PTO/SB/26 (09-04)

Approved for use through 07/31/2006. OMB 0661-0031
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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
A02P1013US01In re Application of: **Mark W. Kroll**Application No.: **10/071,282**Filed: **02/07/2002**For: **SYSTEM AND METHOD FOR EVALUATING RISK OF MORTALITY DUE TO
CONGESTIVE HEART FAILURE USING PHYSIOLOGIC SENSORS**

The owner, **PACSETTER, INC.**, of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. **6,645,153** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

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- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. **43,179**

Ronald S. Tamura

Signature

5/12/05

Date

Ronald S. Tamura, Attorney for Applicant(s)

Typed or printed name

818/493-3157

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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